

Maine Revised Statutes

Title 14: COURT PROCEDURE -- CIVIL

Chapter 713: MISCELLANEOUS PROVISIONS RELATING  
TO FORECLOSURE OF REAL PROPERTY MORTGAGES

**§6203-E. LIABILITY FOR DEFICIENCY ON SALE; NECESSITY OF NOTICE;  
FORM; AFFIDAVIT**

No action for a deficiency shall be brought by the holder of the mortgage note or other obligation secured by mortgage of real estate after foreclosure by exercise of the power of sale, unless a notice in writing of the mortgagee's intention to foreclose the mortgage shall have been served on the mortgagor or its representative in interest or the same has been sent by registered mail with return receipt requested at its last address then known to the mortgagee, to such address as may be agreed upon in said mortgage, together with a naming of liability for the deficiency, in substantially the form below, at least 21 days before the date of the sale under the power in the mortgage, and an affidavit has been signed and sworn to, within 30 days after the foreclosure sale, of the mailing of such notice. A notice mailed as aforesaid shall be a sufficient notice, and such an affidavit made within the time specified shall be prima facie evidence in such action of the mailing of such notice. [1967, c. 424, §2 (NEW).]

The following form of notice and affidavit may be used and may be altered as circumstances require; but nothing herein shall be construed to prevent the use of other forms: [1967, c. 424, §2 (NEW).]

FORM

Notice of Intention to Foreclose and of Liability for Deficiency After Foreclosure of Mortgage

To: A. B. of ..... Street, Town of ..... County of ..... and  
State of .....

You are hereby notified in accordance with the statute, of my intention, on ..... (date of sale), to foreclose by sale under the Power of Sale for breach of condition, the Mortgage held by me on property located on ..... Street, Town of ....., County of ..... and State of ..... dated ..... and recorded in the ..... County Registry of Deeds, Book ....., Page ....., to secure a note (or other obligation) signed by you, for the whole, or any part, of which you may be liable to me and in case of a deficiency in the proceeds of the Foreclosure Sale to hold you liable for the whole or any part thereof still remaining unpaid.

Very truly yours,

.....  
(Name of holder of said Mortgage)

Affidavit

I hereby certify on oath that on the ..... day of ..... 19....., I mailed by registered mail with return receipt requested, the notice a copy of which is hereinabove set forth, direct to such person or persons at the address therein named which was the last address of such person known to me at the time of mailing or to such person or persons at the address therein named which was the person and the address agreed upon in said Mortgage.

Subscribed and sworn to before me this ..... day of ..... 19..... .

.....  
Notary Public

[1987, c. 736, §17 (AMD).]

SECTION HISTORY

1967, c. 424, §2 (NEW). 1987, c. 736, §17 (AMD). 1987, c. 736, §17 (AMD).

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